

Referrals
6/25/19

**PLANNING AND
ECONOMIC
DEVELOPMENT
STANDING
COMMITTEE**



Christopher Gulock, AICP
Derrick Headd
Marcel Hurt, Esq.
Kimani Jeffrey
Anne Marie Langan
Jamie Murphy
Carolyn Nelson
Kim Newby
Analine Powers, Ph.D.
Jennifer Reinhardt
Sabrina Shockley
Thomas Stephens, Esq.
David Teeter
Theresa Thomas
Kathryn Lynch Underwood
Ashley A. Wilson

David Whitaker, Esq.
Director
Irvin Corley, Jr.
Executive Policy Manager
Marcell R. Todd, Jr.
Senior City Planner
Janese Chapman
Deputy Director

John Alexander
LaKisha Barclift, Esq.
M. Rory Bolger, Ph.D., AICP
Elizabeth Cabot, Esq.
Tasha Cowen
Richard Drumb
George Etheridge
Deborah Goldstein

City of Detroit
CITY COUNCIL
LEGISLATIVE POLICY DIVISION
208 Coleman A. Young Municipal Center
Detroit, Michigan 48226
Phone: (313) 224-4946 Fax: (313) 224-4336

TO: COUNCIL MEMBERS
FROM: David Whitaker, Director
Legislative Policy Division Staff
DATE: June 17, 2019
RE: Community Benefits Ordinance Thresholds

According to the City of Detroit website, the Community Benefits Ordinance is defined as the following, “*The Community Benefits Ordinance (CBO) is a law that requires developers to proactively engage with the community to identify community benefits and address potential negative impacts of certain development projects. The ordinance was approved by Detroit voters in 2016.*

When projects trigger the CBO process, a Neighborhood Advisory Council is established, with nine representatives from the project's impact area to work directly with the developer and establish community benefits, which are included in the final development agreement approved by the Detroit City Council”¹

On November 29, 2016, Detroit City Ordinance #35-16, the *Community Benefits Ordinance*² was published in the Detroit Legal News and became effective on that date.

The Community Benefits Ordinance applies when a development project:

- Is \$75 million or more in value
- Receives \$1 million or more in property tax abatements OR
- Receives \$1 million or more in value of city land sale or transfer³

The Chemical Bank project, which recently received approval of both a Brownfield designation and a Public Act 210 Commercial Rehabilitation District, to date, has not been designated as a

¹ <https://detroitmi.gov/departments/planning-and-development-department/citywide-initiatives/community-benefits-ordinance>

² <https://detroitmi.gov/document/ordinance-no-35-16-community-benefits-ordinance>

³ Community Benefits webpage on the City’s website.

Tier 1 CBO project, and therefore not subject pursuant to the CBO Ordinance a Tier 1, or a CBO eligible project. Tier 1 includes the definition of a project defined as:

"Tier 1 Development Project means a development project in the City that is expected to incur the investment of Seventy-five Million Dollars (\$75,000,000) or more during the construction of facilities, or to begin or expand operations or renovate structures, where the developer of the project is negotiating public support for investment in one or both of the following forms: (1) Any transfer to the developer of City-owned land parcels that have a cumulative market value of One Million Dollars (\$1,000,000) or more (as determined by the City Assessor or independent appraisal), without open bidding and priced below market rates (where allowed by law); or (2) Provision or approval by the City of tax abatements or other tax breaks that abate more than One Million Dollars (\$1,000,000) of City taxes over the term of the abatement that inure directly to the Developer, but not including Neighborhood Enterprise Zone tax abatements.⁴

According to the Brownfield Plan for the Chemical Bank Project, which entails the new construction of the new headquarters for Chemical Bank, the project required the following:

PROJECT INVESTMENT ESTIMATES

Capital Cost	Total Cost
Hard Cost	\$71,000,000 to \$72,000,000
Soft Cost	\$33,000,000
Total Capital Cost	\$104,000,000

Given the total capital costs of \$104 million for the project, given that this exceeds the \$75 million threshold, it appears that this amount qualifies the Chemical Bank Project for a CBO process under the "Tier 1 Development Project" definition in the Community Benefits Ordinance. Even if the project were to be determined to have a CBO defined investment of \$72 million, this would only be \$2 million below the established Tier 1 project designation threshold. It has been the past practice of many developers with such a close investment threshold to voluntarily enter into the CBO process. This was not the case with Chemical Bank. However, the CBO ordinance does include an exemption provision, "**Section 14-12-5. Exemptions.** *The requirements of this ordinance may be waived by resolution of the City Council upon submission by either the Planning Director or the Developer (identifying) reasons that the requirements of this ordinance are impractical or infeasible and identifying how the Developer will otherwise provide community benefits.*" This provision was not acted upon as well.

Therefore, it appears that designating the project for a waiver pursuant to the ordinance's provision, is the only alternative to a CBO designation available for the Chemical Bank project, given the project's \$75 million investment.

Next in line for Chemical Bank, is the pending approval of a PA 210 Certificate, which unlike its recently approved Brownfield project and its PA 210 District approvals, PA 210 certificates are subject to the provisions of the CBO Ordinance.

Due to this fact, it is important to finalize the CBO status of the Chemical Bank project.

⁴ Sec. 14-12-1. Purpose; Title

Finally, the questions to the Administration are:

- 1. Why wasn't the Chemical Bank project designated for the CBO process by the Administration?*
- 2. Since the project wasn't designated for the CBO process, why wasn't a waiver proposed?*



CITY OF DETROIT
PLANNING AND DEVELOPMENT DEPARTMENT

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE SUITE 808
DETROIT, MICHIGAN 48226
(313) 224-1339 • TTY:711
(313) 224-1310
WWW.DETROITMI.GOV



March 7, 2019

Detroit City Council
1340 Coleman A. Young Municipal Center
Detroit, MI 48226

**RE: Property Sale
4038 & 4044 McGraw, Detroit, MI 48210**

Honorable City Council:

The City of Detroit, Planning and Development Department (“P&DD”) has received an offer from Kaizen Management LLC (“Kaizen”), a Michigan Domestic Limited Liability Company, to purchase certain City-owned real property at 4038 and 4044 McGraw, Detroit, MI (the “Properties”) for the purchase price of Ten Thousand and 00/100 Dollars (\$10,000.00).

Kaizen proposes to develop the Properties into a green space adjacent to property they already own located at 1673 W. Grand Blvd. Currently, 4038 and 4044 McGraw are within a B4 zoning district (General Business District). Kaizen’s use of the Properties shall be consistent with the allowable uses for which the Properties are zoned.

We request that your Honorable Body adopt the attached resolution to authorize the Director of P&DD to execute a deed and such other documents as may be necessary or convenient to effect a transfer of the Properties by the City to Kaizen Management LLC.

Respectfully submitted,

Maurice D. Cox
Director

cc: Stephanie Washington, Mayor’s Office

CITY OF DETROIT PLANNING AND DEVELOPMENT DEPARTMENT

RESOLUTION

BY COUNCIL MEMBER: _____

NOW, THEREFORE, BE IT RESOLVED, that Detroit City Council hereby approves of the sale of certain real property at 4038 and 4044 McGraw, Detroit, MI (the "Properties"), as more particularly described in the attached Exhibit A incorporated herein, to Kaizen Management LLC ("Kaizen"), a Michigan limited liability company, for the purchase price of Ten Thousand and 00/100 Dollars (\$10,000.00); and be it further

RESOLVED, that the Director of the Planning and Development Department, or his authorized designee, is authorized to execute a quit claim deed and other such documents necessary or convenient to effect transfer of the Properties to Kaizen consistent with this resolution; and be it further

RESOLVED, that the following Property Sales Services Fees be paid from the sale proceeds pursuant to the City's Property Management Agreement with the Detroit Building Authority ("DBA"): 1) Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00) shall be paid to the DBA from the sale proceeds, 2) Five Hundred and 00/100 Dollars (\$500.00) shall be paid to the DBA's real estate brokerage firm from the sale proceeds and 3) customary closing costs up to Two Hundred and 00/100 Dollars (\$200.00) shall be paid from the sale proceeds; and be it further

RESOLVED, that the P&DD Director, or his authorized designee, is authorized to execute any required instruments to make and incorporate technical amendments or changes to the quit claim deed (including but not limited to corrections to or confirmations of legal descriptions, or timing of tender of possession of particular parcels) in the event that changes are required to correct minor inaccuracies or are required due to unforeseen circumstances or technical matters that may arise prior to the conveyance of the Property, provided that the changes do not materially alter the substance or terms of the transfer and sale; and be it finally

RESOLVED, that the quit claim deed will be considered confirmed when executed by the P&DD Director, or his authorized designee, and approved by the Corporation Counsel as to form.

(See Attached Exhibit A)

EXHIBIT A

LEGAL DESCRIPTIONS

Property situated in the City of Detroit, Wayne County, Michigan, described as follows:

Parcel 1

N MCGRAW LOT 5 THRU LOT 1 HOWLETTS SUB L25 P72 PLATS, W C R 14/156 206.8
IRREG

a/k/a 4038 McGraw
Tax Parcel ID 14001427-30

Parcel 2

N MCGRAW LOT 6 HOWLETTS SUB L25 P72 PLATS, WCR 14/156 166.51 IRREG

a/k/a 4044 McGraw
Tax Parcel ID 14001424-6

Description Correct
Engineer of Surveys

By: _____
Basil Sarim, P.S.
Professional Surveyor
City of Detroit/DPW, CED



CITY OF DETROIT
PLANNING AND DEVELOPMENT DEPARTMENT

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE SUITE 808
DETROIT, MICHIGAN 48226
(313) 224-1339 • TTY:711
(313) 224-1310
WWW.DETROITMI.GOV

June 17, 2019



Detroit City Council
1340 Coleman A. Young Municipal Center
Detroit, MI 48226

**RE: Property Sale
2350 & 2346 S Schaefer, Detroit, MI 48126**

Honorable City Council:

The City of Detroit, Planning and Development Department (“P&DD”) has received an offer from Nile Construction, LLC (“Nile”), a Michigan Limited Liability Company, to purchase certain City-owned real property at 2350 and 2346 S Schaefer, Detroit, MI (the “Properties”) for the purchase price of Nine Thousand Two Hundred and 00/100 Dollars (\$9,200.00).

Nile proposes to use the property to expand parking for their construction business, which is located in an adjacent lot at 2356 S Schaefer. 2346 and 2350 S Schaefer are located in a B4 zoning district (General Business District). Nile's use of the Properties shall be consistent with the allowable uses for which the Properties are zoned.

We request that your Honorable Body adopt the attached resolution to authorize the Director of P&DD to execute a deed and such other documents as may be necessary or convenient to effect a transfer of the Properties by the City to Nile Construction, LLC.

Respectfully submitted,

Maurice D. Cox
Director

cc: Stephanie Washington, Mayor's Office

C: 0 0 0 0 0

RESOLUTION

BY COUNCIL MEMBER: _____

NOW, THEREFORE, BE IT RESOLVED, that Detroit City Council hereby approves of the sale of certain real property at 2346 and 2350 S Schaefer, Detroit, MI (the "Properties"), as more particularly described in the attached Exhibit A incorporated herein, to Nile Construction, LLC ("Nile"), for the purchase price of Nine Thousand Two Hundred and 00/100 Dollars (\$9,200.00); and be it further

RESOLVED, that the Director of the Planning and Development Department, or his authorized designee, is authorized to execute a quit claim deed and other such documents necessary or convenient to effect transfer of the Properties to Nile consistent with this resolution; and be it further

RESOLVED, that the following Property Sales Services Fees be paid from the sale proceeds pursuant to the City's Property Management Agreement with the Detroit Building Authority ("DBA"): 1) Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00) shall be paid to the DBA from the sale proceeds, 2) Four Hundred Sixty and 00/100 Dollars (\$460.00) shall be paid to the DBA's real estate brokerage firm from the sale proceeds and 3) customary closing costs up to Two Hundred and 00/100 Dollars (\$200.00) shall be paid from the sale proceeds; and be it further

RESOLVED, that the P&DD Director, or his authorized designee, is authorized to execute any required instruments to make and incorporate technical amendments or changes to the quit claim deed (including but not limited to corrections to or confirmations of legal descriptions, or timing of tender of possession of particular parcels) in the event that changes are required to correct minor inaccuracies or are required due to unforeseen circumstances or technical matters that may arise prior to the conveyance of the Property, provided that the changes do not materially alter the substance or terms of the transfer and sale; and be it finally

RESOLVED, that the quit claim deed will be considered confirmed when executed by the P&DD Director, or his authorized designee, and approved by the Corporation Counsel as to form.

(See Attached Exhibit A)

EXHIBIT A

LEGAL DESCRIPTIONS

Property situated in the City of Detroit, Wayne County, Michigan, described as follows:

W SCHAEFER HWY LOT 3 MICHAEL DUNN ESTATE SUB L57 P70 PLATS, W C R 20/460
22.72 X 113.65

a/k/a 2350 S Schaefer
Tax Parcel ID 20018106

W SCHAEFER HWY LOT 4 MICHAEL DUNN ESTATE SUB L57 P70 PLATS, W C R 20/460
22.72 X 113.65

a/k/a 2346 S Schaefer
Tax Parcel ID 20018105

Description Correct
Engineer of Surveys

By: _____
Basil Sarim, P.S.
Professional Surveyor
City of Detroit/DPW, CED



CITY OF DETROIT
PLANNING AND DEVELOPMENT DEPARTMENT

COLEMAN A. YOUNG MUNICIPAL CENTER
2 WOODWARD AVENUE SUITE 808
DETROIT, MICHIGAN 48226
(313) 224-1339 • TTY:711
(313) 224-1310
WWW.DETROITMI.GOV

18

June 14, 2019

Detroit City Council
1340 Coleman A. Young Municipal Center
Detroit, MI 48226

**RE: Property Sale
7134 W Seven Mile, Detroit, MI 48221**

Honorable City Council:

The City of Detroit, Planning and Development Department ("P&DD") has received an offer from Tracy Nixon (the "Purchaser"), to purchase certain City-owned real property 7134 West Seven Mile, Detroit, MI (the "Property") for the purchase price of Twenty Five Thousand and 00/100 Dollars (\$25,000.00).

The Purchaser previously owned the property, at which she operated Simply Beautiful Hair Salon, however it was lost in tax foreclosure. Purchaser proposes to re-purchase the property in order to continue operating her beauty salon. The Purchase price of \$25,000 is inclusive of an estimation of the property taxes that would be due to date. 7134 West Seven Mile is located in a B3 zoning district (Shopping District). The Purchaser's use of the Property shall be consistent with the allowable uses for which the Property is zoned.

We request that your Honorable Body adopt the attached resolution to authorize the Director of P&DD to execute a deed and such other documents as may be necessary or convenient to effect a transfer of the Property by the City to Tracy Nixon.

Respectfully submitted,

Maurice D. Cox
Director

cc:
Stephanie Washington, Mayor's Office

Q1
Q2
Q3
Q4
Q5
Q6
Q7
Q8
Q9
Q10
Q11
Q12

RESOLUTION

BY COUNCIL MEMBER: _____

NOW, THEREFORE, BE IT RESOLVED, that Detroit City Council hereby approves of the sale of certain real property at 7134 W Seven Mile, Detroit, MI (the "Property"), as more particularly described in the attached Exhibit A incorporated herein, to Tracy Nixon (the "Purchaser"), for the purchase price of Twenty Five Thousand and 00/100 Dollars (\$25,000.00); and be it further

RESOLVED, that the Director of the Planning and Development Department, or his authorized designee, is authorized to execute a quit claim deed and other such documents necessary or convenient to effect transfer of the Property to the Purchaser consistent with this resolution; and be it further

RESOLVED, that the following Property Sales Services Fees be paid from the sale proceeds pursuant to the City's Property Management Agreement with the Detroit Building Authority ("DBA"): 1) Two Thousand Five Hundred and 00/100 Dollars (\$2,500.00) shall be paid to the DBA from the sale proceeds, 2) One Thousand Two Hundred Fifty and 00/100 Dollars (\$1,250.00) shall be paid to the DBA's real estate brokerage firm from the sale proceeds and 3) customary closing costs up to Two Hundred and 00/100 Dollars (\$200.00) shall be paid from the sale proceeds; and be it further

RESOLVED, that the P&DD Director, or his authorized designee, is authorized to execute any required instruments to make and incorporate technical amendments or changes to the quit claim deed (including but not limited to corrections to or confirmations of legal descriptions, or timing of tender of possession of particular parcels) in the event that changes are required to correct minor inaccuracies or are required due to unforeseen circumstances or technical matters that may arise prior to the conveyance of the Property, provided that the changes do not materially alter the substance or terms of the transfer and sale; and be it finally

RESOLVED, that the quit claim deed will be considered confirmed when executed by the P&DD Director, or his authorized designee, and approved by the Corporation Counsel as to form.

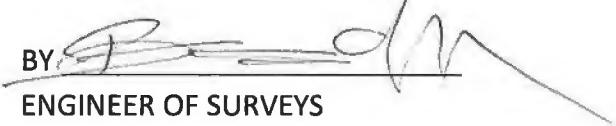
(See Attached Exhibit A)

EXHIBIT A

LAND IN THE CITY OF DETROIT, COUNTY OF WAYNE AND STATE OF MICHIGAN BEING:

N SEVEN MILE RD LOT 4 GOLDFDALE SUB L36 P98 PLATS W C R 16/288 20 X 100

DESCRIPTION CORRECT

BY 
ENGINEER OF SURVEYS

A/K/A 7134 W SEVEN MILE 88 F
WARD 16 ITEM 008833



Department of Public Works

Coleman A Young Municipal Center
Detroit, MI 48226

Phone: 313-224-3901
Fax: 313-224-1464
www.detroitmi.gov

June 17, 2019

19

Honorable City Council:

RE: Petition No. 775: BESA, 600 Woodward Ave, requests permission to provide Outdoor Café Service. This service will be seasonal, and will convene April 1st through November 30th, yearly with yearly administrative review, from the date of your Honorable Body's approval.

The Department of Public Works (DPW) who has jurisdiction over temporary encroachment in the public right-of-way, for Outdoor Café use, has approved this request contingent upon the petitioner's compliance with applicable City ordinance related to outdoor café activities and the remittance of the annual use-permit fee to the DPW.

The Detroit Health Department (DHD) has approved this petition, subject to the petitioner's strict adherence to the 199 Food Code, Food Law of 2000 and City Ordinance, Chapter 21. No outdoor grilling is permitted without approval from the Health Department's Food Safety Division.

Approval from the Detroit Police Liquor License Bureau is contingent upon the final action given by the City Council towards the above-referenced petition. Prior approval from the Central District Precinct does not cover serving liquor in outdoor café area until the Detroit Police Liquor License Bureau has given approval.

The Department of Public Works/ Traffic Engineering Division (DPW/TED) has approved this request contingent upon the petitioner's compliance with provided DPW/TED instructions.

The Legislative Policy Division has reviewed the petitioner's request and issued their approval with no objections.

It is the recommendation of DPW that the petitioner's request be granted subject to the terms and conditions provided in the attached Resolution and that this service will convene April 1st through November 30th yearly with yearly administrative review from the date of your Honorable Body's approval.

Respectfully submitted,

Chisara Brown

Chisara Brown, Mobility Planner

CC: Caitlin Malloy Marcon, Deputy Director Complete Streets Division



Department of Public Works

Coleman A Young Municipal Center
Detroit, MI 48226

Phone: 313-224-3901
Fax: 313-224-1464
www.detroitmi.gov

By Council Member _____

RESOLVED, That the Department of Public Works is hereby authorized and directed to issue a Use-permit to BESA, Detroit "permittee", whose address is at 600 Woodward Ave, Detroit, MI 48226, to install and maintain an outdoor café, which will convene every April 1st through November 30th, yearly with yearly administrative review from the date of your Honorable Body's approval, contingent upon licensee of such premises obtaining approval of the Michigan Liquor Control Commission, if necessary, and compliance with applicable City Ordinance in connection with outdoor café activities, prior to the issuance of said use permit; and

PROVIDED, That the café meets the regulations set by the "Outdoor Café Guidelines" as adapted by the City Council and guided by Chapter 58, Section 50-2-8.1 of the City Code; and

PROVIDED, That the petitioner obtains all necessary licenses and permits needed to create an outdoor café in the City of Detroit annually and;

PROVIDED, That said activities are conducted under the rules and regulations of the Department of Transportation, Department of Public Works and the supervision of the Police Department; and

PROVIDED, That the sale of food and soft drinks is held under the direction and inspection of the Health Department and;

PROVIDED, That the "permittee" remit the required annual fees to DPW/CED for issuance of a use-permit and confirm license of the establishment in compliance with the City Code; and

PROVIDED, That the "permittee", prior to obtaining said permit, file an agreement in a form approved by the Law Department, saving and protecting the City of Detroit harmless from any or all claims, damages or expenses that may arise by reason of the issuance of said permit and the faithful performance by the "permittee" of the terms thereof; and in addition, to pay all claims, damages or expenses that may arise out of the maintenance of said encroachments; and

PROVIDED, That the filing of said indemnity agreement for this current year shall be construed as acceptance of this Resolution by the "permittee"; and

PROVIDED, That the permit is revocable at the will, whim and caprice of the City Council; and hereby expressly waives any right to claim damages or compensation for removal of encroachment, and further, that "permittee" acquires no implied or other privileges hereunder not expressly stated herein; and

PROVIDED, That no other rights in the public streets, alley or other public spaces shall be considered waived by this permission which is granted expressly on the condition that said encroachment shall be removed at the expense of the "permittee" at any time when so directed by City Council, and that the public property so affected shall be restored to a condition satisfactory to the DPW by said "permittee" at its expense; and

PROVIDED, That the permit shall not be assigned or transferred without a written approval of the City Council; and



**Department of
Public Works**

Coleman A Young Municipal Center
Detroit, MI 48226

Phone: 313-224-3901
Fax: 313-224-1464
www.detroitmi.gov

PROVIDED, That the designated outdoor seating area shall be properly identified through the use of clear delineation in order to regulate and control the serving of liquor within the perimeter of the café; and

PROVIDED, That the outline and location of the outdoor café is not to be different from the site plan approved by the DPW/CSD; and

PROVIDED, That if any tent, canopy or other enclosure is to be utilized on the subject site, the applicant shall secure prior approval from Building, Safety Engineering & Environmental Department and the Department of Public Works/City Engineering Division; and

PROVIDED, That all physical barriers and fixtures shall be removed from the public right-of-way during the months of non-operation and placed in storage; and

PROVIDED, That a certified copy of this Resolution shall be recorded with the Office of the Register of Deeds for Wayne County at the "permittee's" expense;

Adopted as follows:

Yea-

Nay-

City of Detroit
OFFICE OF THE CITY CLERK

Janice M. Winfrey
City Clerk

Caven West
Deputy City Clerk/Chief of Staff

DEPARTMENTAL REFERENCE COMMUNICATION

Wednesday, March 27, 2019

To: The Department or Commission Listed Below
From: Janice M. Winfrey, Detroit City Clerk

The following petition is herewith referred to you for report and recommendation to the City Council.

In accordance with that body's directive, kindly return the same with your report in duplicate within four (4) weeks.

PLANNING AND DEVELOPMENT DEPARTMENT DPW - CITY ENGINEERING DIVISION
HOUSING AND REVITALIZATION

775 *Gerti Begaj, request for a Seasonal Outdoor Café permit for the property located 600 Woodward Ave.*

HOUSING & REVITALIZATION DEPARTMENT
2 Woodward Avenue, Suite 908, Detroit, MI 48226
(313) 224-6380



APPLICATION FOR SEASONAL OUTDOOR CAFÉ PERMIT:

PETITIONER'S INFORMATION:

GERTI BEGAJ	248-331-7002	GERTI@BESADETROIT.COM	
(PETITIONER'S NAME)	(TELEPHONE NUMBER)	(EMAIL ADDRESS)	
3274 COOLIDGE HWY	ROYAL OAK	M1	48073
(PETITIONER'S ADDRESS)	(CITY)	(STATE)	(ZIP)

OWNER'S INFORMATION:

GERTI BEGAJ	248-331-7002	GERTI@BESADETROIT.COM	
(OWNER'S NAME)	(TELEPHONE NUMBER)	(EMAIL ADDRESS)	
3274 COOLIDGE HWY	ROYAL OAK	M1	48073
(OWNER'S ADDRESS)	(CITY)	(STATE)	(ZIP)

OUTDOOR CAFÉ INFORMATION:

BESA DETROIT	(CAFÉ NAME)		
600 WOODWARD AVE	DETROIT	M1	48226
(CAFÉ ADDRESS)	(CITY)	(STATE)	(ZIP)

TYPE OF OUTDOOR CAFÉ: SEASONAL (SUBMIT TO H&RD, SUITE 908)

PERMANENT (SUBMIT TO DPW/CITY ENGINEERING, SUITE 642)

ON YOUR OWN PROPERTY (SUBMIT TO BSEED, SUITE 401)

WILL PROPOSED OUTDOOR CAFÉ BE: OPEN ENCLOSED FIXED AWNING

DO YOU SERVE ALCOHOL? YES NO


(OWNER'S SIGNATURE) _____ (DATE) _____

[FOR DEPARTMENT USE ONLY]

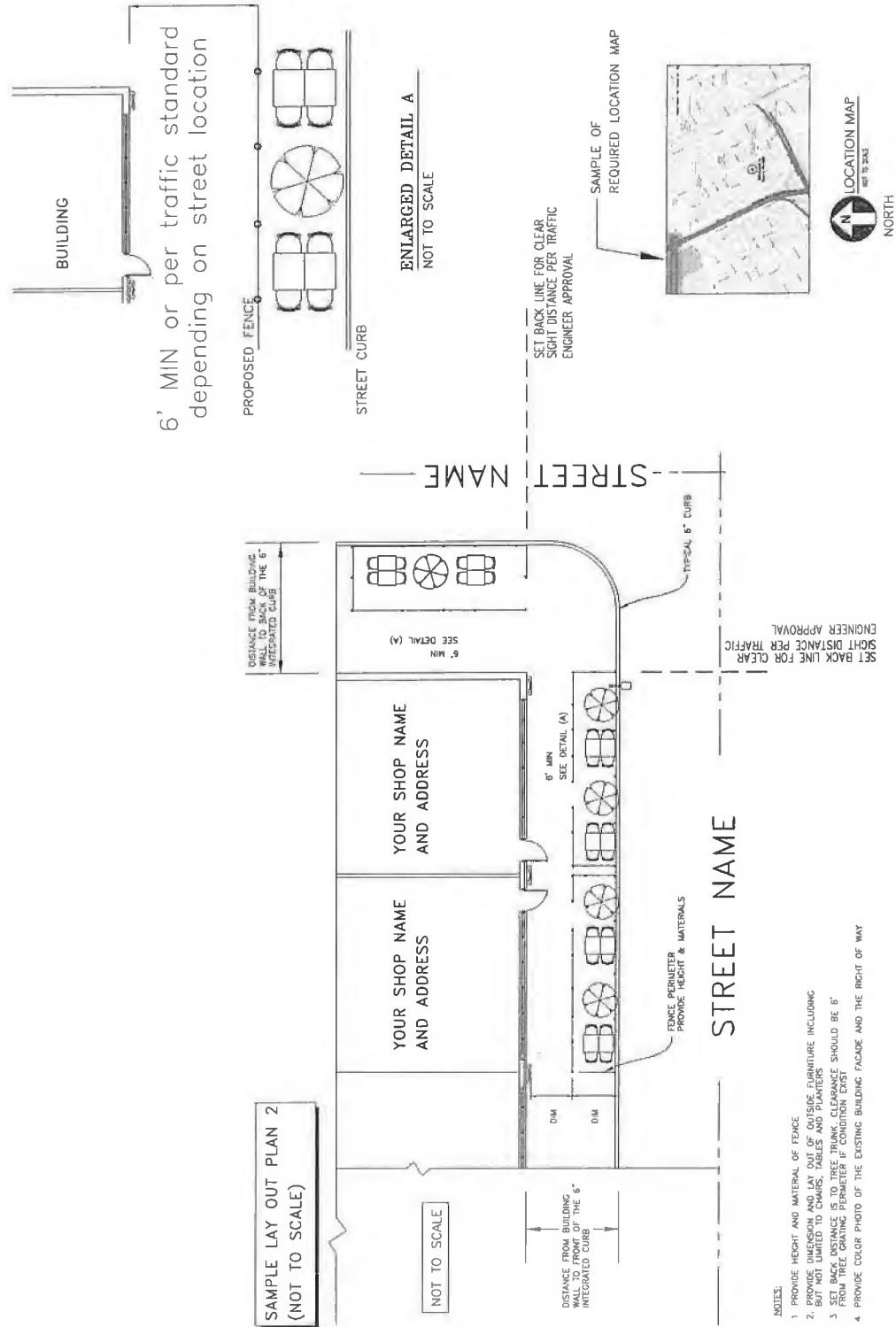
APPROVED BY: _____ **DATE:** _____

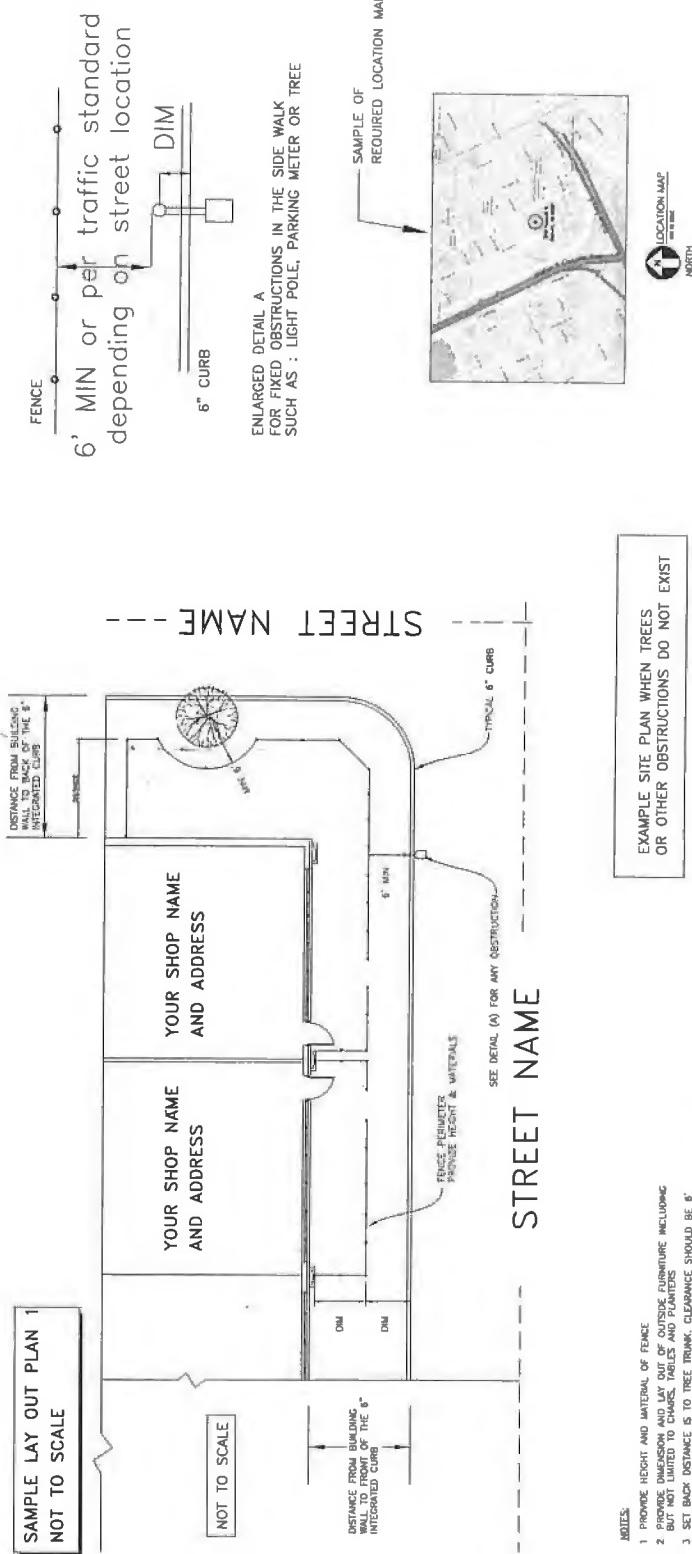
DENIED BY: _____ **DATE:** _____

COMMENTS: _____

REQUIRED ATTACHMENTS TO BE SUBMITTED WITH APPLICATION (HARD COPY OR PDF):

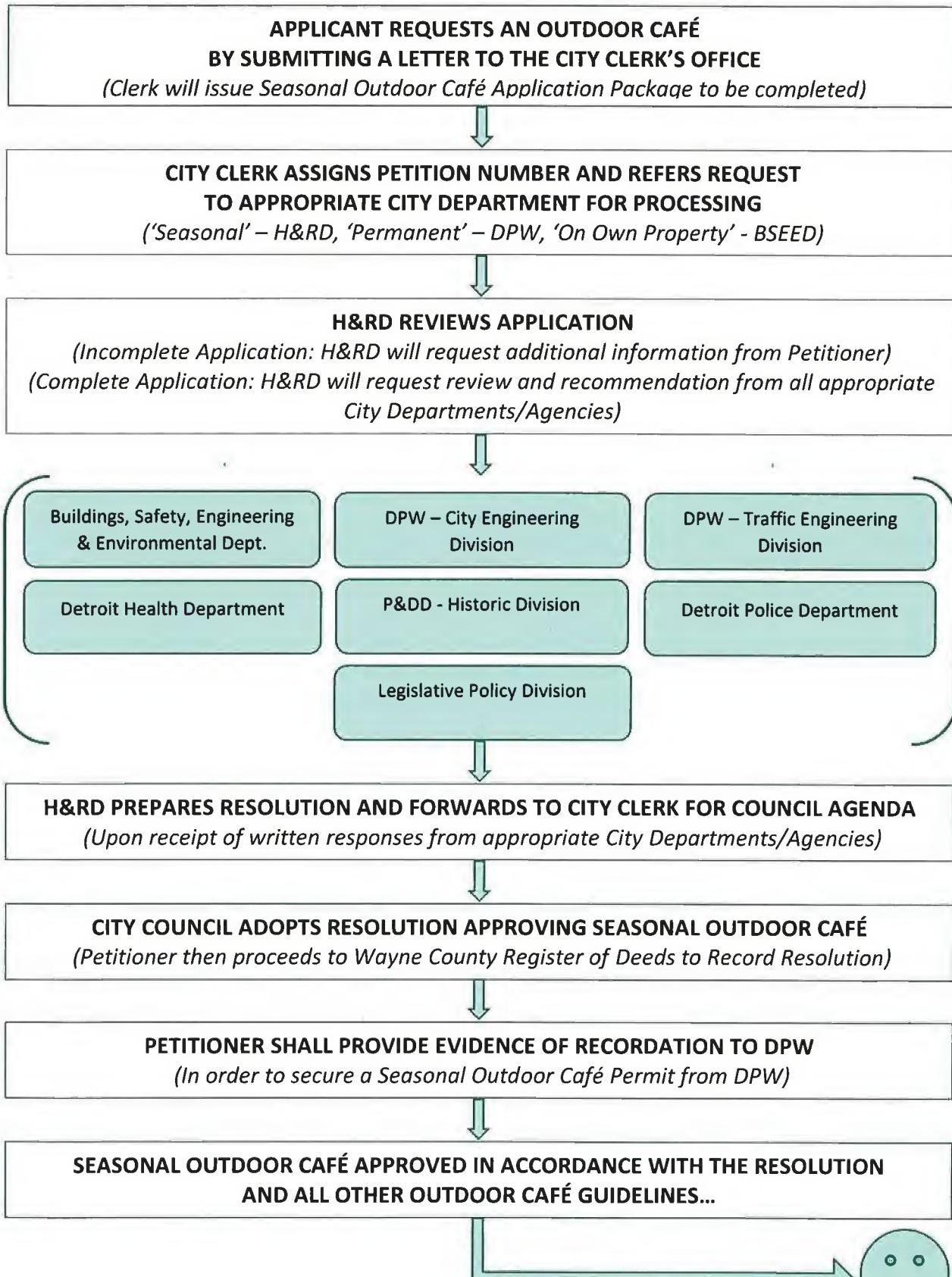
1. **11"x17"** Site Plan of 1"=10' Scale, depicting dimensions of seating area and its setbacks from the street curb and any obstructions in the right-of-way, (i.e. parking meter, tree trunk and light pole). A Location Map with the north arrow of the subject site should be provided on the site plan. ***See Attached Sample Plans***
2. **11"x17"** Floor and Elevation Plans of 1/8" or 1/4"=1' Scale, showing layout of the tables and chairs, service corridor dimensions and location. In addition, show type and height of fencing including fastening details, and photos/images of the type of fencing/gate and street furniture that will be installed.
3. **Provide Photos** for the section of the right-of-way and building in question.







SEASONAL OUTDOOR CAFÉ REVIEW PROCESS





PROCEDURE FOR PROCESSING SEASONAL OUTDOOR CAFÉ APPLICATION

1. All requests to establish a Seasonal Outdoor Café on the Berm Area or other Public Areas shall be initiated by petition to the Detroit City Clerk's Office.
2. The Petition shall contain appropriate designs and site plans with dimensions illustrating the proposed location, color scheme, types of material, elevations and specifications. In addition, if applicable, the written consent of the abutting property owners.
3. The City Clerk shall then forward the Petition to the Housing & Revitalization Department (H&RD), who shall act as the Coordinating Agency in the processing of such requests by forwarding copies of the petitions to the following City Departments and/or Agencies for their review and recommendation:
 - Buildings, Safety, Engineering & Environmental Department
 - Department of Public Works/City Engineering Division
 - Department of Public Works/Traffic Engineering Division, and/or the appropriate transportation agency with jurisdiction over the subject right-of-way.
 - Detroit Health Department
 - Planning & Development Department/Historic Division -- If the Historic District Commission (HDC) determines that the site in question is within two hundred (200) feet of officially designated structures of districts, the petition shall be reviewed by the HDC as specified in Ordinance 161-H. For the purpose of this section, an officially designated historic structure or district is one which has been named as such by the City, State or Federal government.
 - Detroit Police Department will approve after City Council approves resolution (Include Liquor License).
 - The Legislative Policy Division shall also receive copies of each petition for informational purposes only.
4. After receiving written responses from the above-referenced departments in Paragraph 3, H&RD shall consider each response and incorporate into a final recommendation and accompanying resolution for the petition to be forwarded to the City Clerk for Council approval, denial or approval with conditions.
5. The Adopted City Council Resolution approving the proposed Seasonal Outdoor Café shall be transmitted by the Petitioner to the Wayne County Register of Deeds for recording at the Petitioner's expense.



6. Evidence of the recording of such resolution shall then be transmitted by the Petitioner to the Department of Public Works for issuance of a Permit to use a Berm Area or other Public Areas. The issuance of such permits shall not waive the rights of the City to utilize the area for street widening or other purposes, as may become necessary. Further, all permits shall be revocable at the will, whim and caprice of the City Council, and shall not be assigned or transferred without the written approval of the City Council.
7. Prior to the issuance of a permit by the Department of Public Works, the petitioner shall file an **INDEMNITY AGREEMENT** with the Finance Department in a form approved by the Law Department to save and protect the City from any and all claims, damages or expenses that may arise from the issuance of such a permit.
8. The Petitioner shall also enter into an **OCCUPANCY AGREEMENT**, approved as to form by the Law Department. Such agreement shall include a description of the area to be occupied, the square footage, the maximum number of seated patrons permitted, and other information as deemed appropriate by the City.
9. The Petitioner shall be responsible for all costs associated with granting a permit to use a Berm Area or other Public Areas, including such costs as may be necessary to restore the public property affected to a condition satisfactory to the Department of Public Works.
10. That all permits granted shall not be assigned or transferred without the written approval of the City Council.
11. The right to alter, amend or repeal this policy is hereby reserved to the City Council.
12. All Applications for Seasonal Outdoor Cafes shall conform to the attached "Seasonal Outdoor Café Guidelines".



SEASONAL OUTDOOR CAFÉ GUIDELINES

DEFINITION

Any group of tables, chairs, benches and suitable decorative devices or any combination thereof, maintained on public or private property, outside of and immediately adjacent to or within close proximity to a licensed, fixed food establishment for use in the sale or consumption of food, refreshments or beverages of any kind by the public. Also referred to as sidewalk café.

LEGAL RESTRAINTS

The regulation of Seasonal Outdoor Cafes is guided by Chapter 50, Article 2, Sec. 50-2-20 of the City Code, which provides the appropriate City Departments with the authority to permit the temporary encroachment in a street, alley or public easement after receiving the approval of the City Council on an annual basis.

LOCATION

A Seasonal Outdoor Café shall be designed and arranged in such a fashion that it:

- Shall not obstruct any point of ingress or egress necessary for the safety or convenience of people in adjoining buildings.
- Shall not obstruct pedestrian traffic nor violate any ADA Compliance Standards.
- Shall not be located within the Civic Center Hart Plaza.
- Shall be located immediately adjacent to or with close proximity to the petitioning restaurant (NOTE: Those Seasonal Outdoor Cafes to be located within close proximity to the petitioning restaurant shall be operated in compliance with guidelines established by and obtainable from the Health Department).

AESTHETICS/DESIGN CONSIDERATION

The design of a Seasonal Outdoor Café shall complement the character of the area and if appropriate, any historic buildings. Such design considerations shall be determined by the Planning & Development Department and the Historic District Commission when officially designated historic properties are involved.



- Seasonal Outdoor Cafes shall be properly identified through the use of planters, chains, poles, railings or similar dividers.
- All equipment used such as umbrellas, awnings, tables, chairs, dividers, etc., shall be moveable, shall be arranged neatly for the convenience of customers and servers, and shall be designed-coordinated as determined by the Planning & Development Department of the Historic District Commission where applicable.
- All equipment used shall be arranged in a fashion to permit a minimum of six (6) feet or per traffic standards depending on street location, between the outer edge of the outdoor café and any curb side obstacles such as hydrants, light poles, etc. to allow for pedestrian movement.
- Illumination of outdoor cafes shall be confined to the interior permitted of the café. Such illumination systems shall be approved by the Building Safety, Engineering and Environmental Department.

DESIGN/SITE PLAN REQUIREMENTS

The floor surface of outdoor cafes shall be of a smooth surface consisting of concrete, blacktop, or washable wood that is easily cleanable. Design/Site plans shall be provided by the petitioner illustrating the proposed location, color scheme, elevations or specifications.

LIQUOR

Alcoholic beverages may be served to patrons of Seasonal Outdoor Cafes, provided the seasonal outdoor café has a valid permit for outdoor service as issued by the Michigan Liquor Control Commission. All seating areas where alcoholic beverages are served shall be enclosed with approved railing or fencing.

OPERATING HOURS/MONTHS

Seasonal Outdoor Cafes may transact business only during the hours of 7:00 AM through 1:00 AM. Seasonal Outdoor Cafes may operate only during the months of April through November. Operation during the months of December through March shall require the outdoor café area to be enclosed and heated in conformance with materials and heating fixtures approved by the Housing Revitalization Department and the Building Safety Engineering and Environmental Department. During the months of non-operation, all moveable outdoor café equipment shall be moved from the public right-of-way and placed in storage.



HEALTH CODES

All Outdoor Cafes shall be operated in compliance with the following guidelines:

DEFINITIONS:

- **FOOD PREPARATION** means the slicing, forming, mixing, dispensing of or other procedures required prior to serving the food.
- **LIMITED FOOD PREPARATION** means the dispensing, mixing and assembly of ready-to-consume food.

EQUIPMENT

- (1) All equipment and utensils used in the operation of an outdoor café shall meet the applicable requirements of the 1976 Edition of the F. D. A. Food Service Sanitation Manual and applicable Detroit Health Department Guidelines.

SERVICE

- (1) Food may be served the consumer on the outside of the fixed food service establishment directly from the kitchen or other approved area within the establishment or from an approved outside enclosure.
- (2) A set of plans for an outside enclosure must have prior approval by the Detroit Health Department and the Building Safety Engineering and Environmental Department.

FOOD PREPARATION

- (1) Food preparation shall be done within the confines of the fixed food service establishment according to state and local laws and regulations; and outside barbequing, broiling or cooking of foods may be permissible provided an overhead exhaust canopy with a four (4) foot overhang vented through the exhaust system of the fixed food establishment is used. The grill used must be removed at the end of each working day and taken inside for cleaning and storage.
- (2) Limited food and beverage preparation may be permitted outside of or in close proximity to the fixed food service establishment in an enclosure designed to effectively control insects or other vermin and of sufficient size to accommodate the operation and so constructed and located as to adequately protect the food and the food service



equipment from air-borne contaminants. The degree of limitation for such operations shall be in direct relation to the capacity for food protection demonstrated by the construction and location of the enclosure.

- A. Outside enclosures, if screening is used, shall be constructed so as to be durable under normal use. Service openings shall be framed and provided with a framed enclosure.
- B. Walls and ceiling of the enclosure shall have light-colored finished surfaces, and a solid or screened self-closing door.
- C. The floor of the enclosure shall be constructed of concrete, asphalt, tight wood, or other similar cleanable material kept in good repair.

HANDWASHING

- (1) Enclosures used for limited food preparation shall have hand washing facility installed within the enclosure or readily accessible to the enclosure, and shall be supplied with hot and cold tempered water through the proper fixture and shall be connected to a sanitary sewer in accordance with the requirements of The Detroit Plumbing Code.
 - A. A supply of hand cleansing soap and sanitary towels shall be provided for hand washing and drying.

DIPPER WELL

- (1) The dispensing of bulk ice cream, inside the enclosure used for limited food preparation, shall require a dipper well with running water and shall be connected to a sanitary sewer in accordance with the requirements of the Detroit Plumbing Code.

TABLEWARE

- (1) Multi-use tableware and table linen stored outside the fixed food service establishment shall be adequately protected from potential contamination including dust, vermin, and rain, and shall be elevated off the floor or ground.
 - A. Soiled multi-use tableware shall be bussed to the dishwashing section of the fixed food service establishment at approved intervals so as to prevent the development of odors and the attraction of insects.



- B. Soiled linen stored outside the fixed food service establishment shall be stored in a covered container.

SINGLE SERVICE ARTICLES

- (1) Single service articles stored outside the fixed food service establishment shall be stored off the floor or ground in a manner that will protect them from possible contamination.

ICE

- (1) Portable ice stored outside the fixed food service establishment shall be stored off the floor or ground in a covered self-draining receptacle as approved by the Institute for Population Health.
- (2) Ice used as refrigerant shall be stored off the floor or ground in a self-draining receptacle which shall be of sufficient capacity to contain all of the melted ice water or shall drain into sanitary sewer in accordance with the requirements of The Detroit Plumbing Code.
- (3) A food storage refrigerated cabinet shall be provided for stock, liquors, mixes, fruit, olives, etc.

POTENTIALLY HAZARDOUS FOOD

- (1) Potentially hazardous food stored outside the fixed food service establishment shall be stored at temperatures of 45 degrees Fahrenheit or below or 140 degrees Fahrenheit or above.
- A. Adequate refrigeration shall be provided for keeping potentially hazardous cold food at 45 degrees Fahrenheit or below.
- B. Adequate holding devices shall be provided for keeping potentially hazardous hot food at 140 degrees Fahrenheit or above.
- C. Each facility used for the storage of potentially hazardous food shall be provided with a numerically indicating thermometer.

WASTE

- (1) Receptacles (of an adequate number and size) for the disposal of trash, garbage, etc., shall be provided by the petitioner and located within the confines of the outdoor café enclosures. All such receptacles shall be water tight, washable and kept covered.



- (2) Further, the petitioner shall keep the outdoor café area and the area within fifteen (15) feet of the outdoor café free from litter.

PRE-SETTING OF TABLES

- (1) The pre-setting of tables outside the fixed food service establishment is prohibited.

WIPING CLOTHS

- (1) Cloths used for wiping spills on tableware being served to the consumer shall be clean, dry, and used for no other purpose.
- (2) Moist cloths or sponges used for wiping spills on kitchenware and food-contact surfaces of equipment shall be clean and rinsed frequently in an approved sanitizing solution between uses.
- (3) Moist cloths or sponges used for cleaning non-food-contact surfaces of equipment such as counters, dining table tops, and shelves shall be clean and rinsed frequently in an approved sanitizing solution and used for no other purpose. These cloths and sponges shall be stored in the sanitizing solution between uses.

SOUTHFIELD - DETROIT

400 Galleria Officeire
Suite 555
Southfield, Michigan 48034
Phone 248.352.8310
Fax 248.352.1821
www.neumannsmith.com

BESA
600 WOODWARD
DETROIT, MI

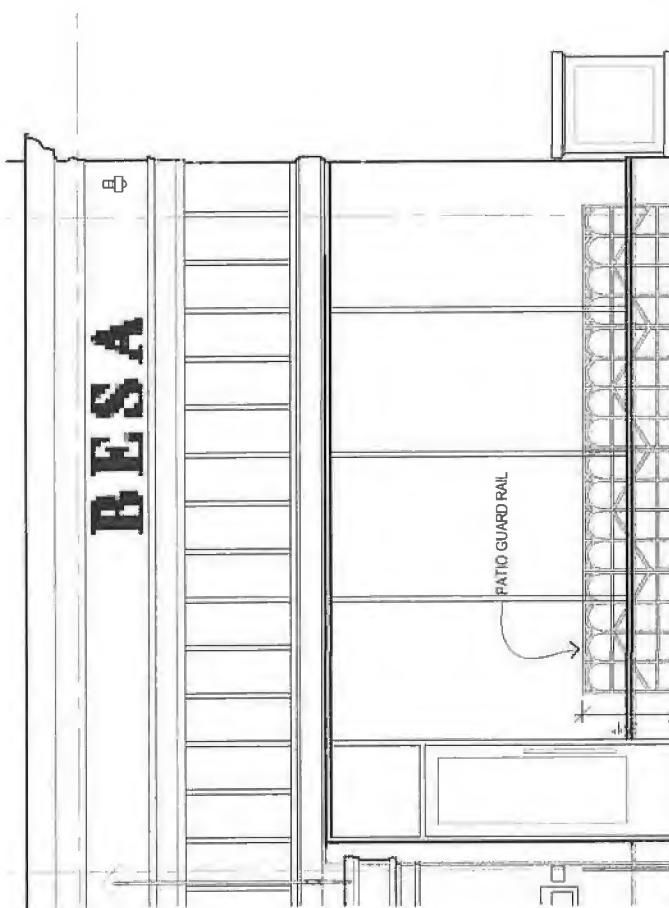
03.22.2019 Issued for PATIO
APPLICATION
□ Preliminary
□ Construction
□ Record
7' 0" overall
Do not scale
Use Figured
Elevations or
Architectural
Dimensions only
Scales
1/4" = 1'-0"

2011/083
PATIO ELEVATION

Scale: 1/4" = 1'-0"
Drawing

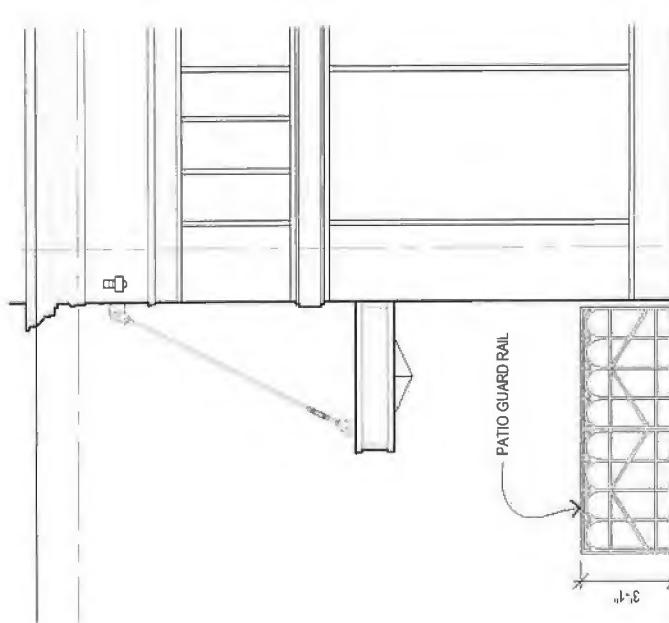
1 SOUTH ELEVATION - CONGRESS STREET

SCALE: 1/4" = 1'-0"



2 WEST ELEVATION - WOODWARD AVE.

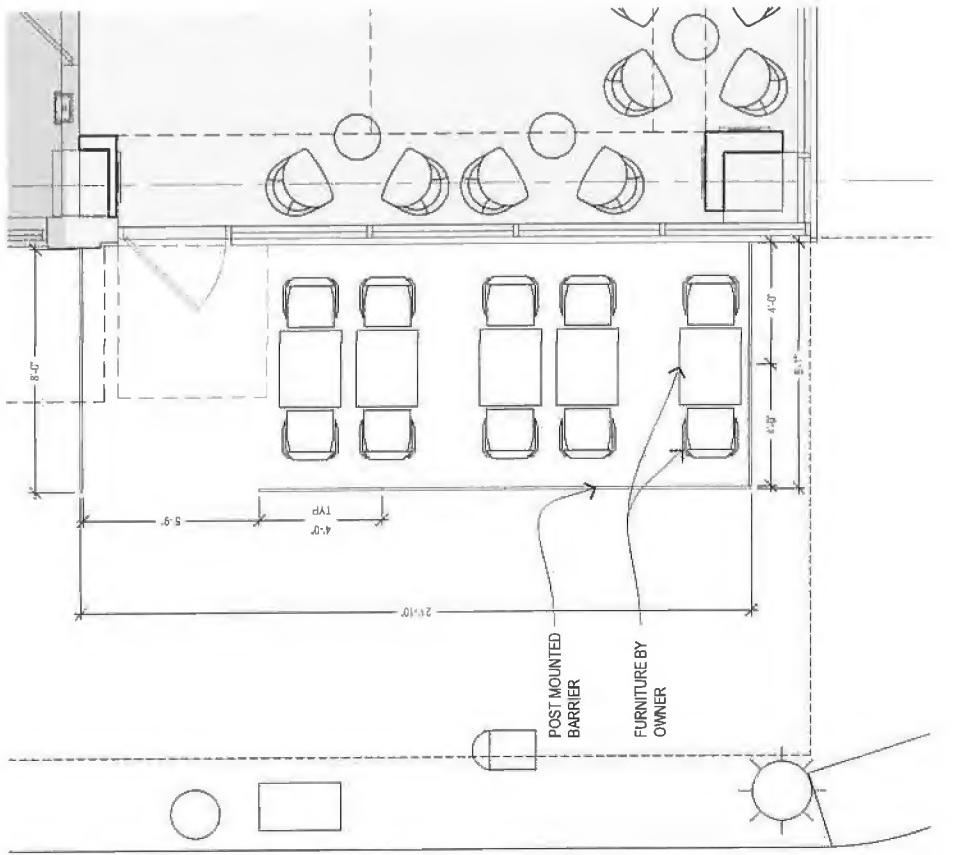
SCALE: 1/4" = 1'-0"



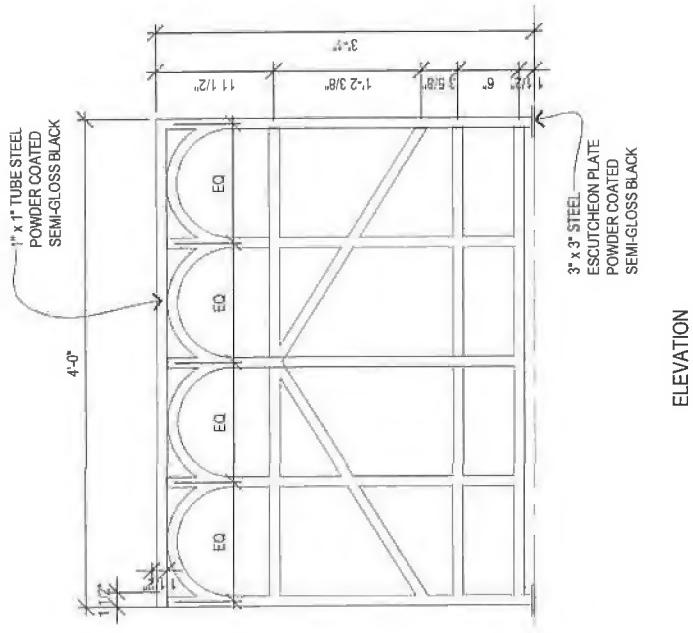
BESA
600 WOODWARD
DETROIT, MI

03/22/2019 Issued for PATIO
APPLICATION
Schematic Perspective
MEH Construction
Detailed As-built
Approved _____
Do not scale _____
Use figures _____
Erect at owner's _____
Job Number _____

Scale: 1/4" = 1'-0"
Sheet _____



1 FURNITURE PLAN
SCALE: 1/4" = 1'-0"



2 GUARD RAIL DETAIL
SCALE: 1/4" = 1'-0"





